

## REMARKS

Reconsideration of the application is respectfully requested.

Applicant has noted the Examiner's response beginning at page 2 of the Office Action and continuing to page 5, where the claims have been rejected as being obvious over the combination of U.S. Patent Application Publication 2004/0239624 A1 issued to Ramian ("Ramian") and a new reference, U.S. Patent No. 4,727,357 issued to Curtin, et al. ("Curtin"). Curtin discloses a character formation key which is formed by a number of bars that are arranged in a mosaic pattern with several of the bars forming an outer box pattern and several positioned inside of this box. All or some of the bars are normally activated and, hence, emit light. When forming characters, the necessary bars are deactivated, *i.e.* turned off, so that the remaining lit bars form the desired alphanumeric character. [Curtin, col. 2, lines 46-66] In other words, in their normally activated condition, the bars emit light, so that when entering characters, the user contacts a selected, normally activated bar, to turn off the light. This, of course, is a completely different approach to entering characters than Ramian in which each character is positively traced by the user's stylus touching the active surface of the keypad area. As will be discussed below, some of Applicant's claims have been amended to distinguish Ramian and Curtin, while others are not amended as they are still believed to be not obvious in view of Ramian and Curtin.

The following addresses the issues in the order in which they are raised in the Office Action.

### Claims Rejected Under 35 U.S.C. §112

Claims 1-33 and 41-42 stand rejected as failing to comply with the written description requirement of 35 U.S.C. §112, first paragraph. It is alleged that the claims contain subject matter which was not described in the Specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor had possession of the claimed invention. Applicant respectfully disagrees with the rejection.

Applicant is somewhat surprised at the written description requirement issue raised in this Office Action, because such issues are typically raised only after claims

that were not presented in the application when originally filed are introduced or when an applicant seeks the benefit of the filing date of an earlier application. Indeed, the courts have stated that the description of the invention requirement is relatively simple to comply with and will ordinarily demand minimal concern on the part of the Patent Office. In this case, Applicant will demonstrate that there is no reasonable basis for such a rejection in this case.

First, regarding the burden on the Patent Office of making the *prima facie* case for lack of adequate written description, the courts have described the written description requirement as follows:

It is not necessary that the application describe the claim limitations exactly, but only so clearly that persons of ordinary skill in the art will recognize from the disclosure that appellant's invented processes including those limitations.

In re Wertheim, 541F.2<sup>nd</sup> 257, 191 USPQ 90, 96 (C.C.P.A. 1976)

In one case, the courts have stated that "the test for sufficiency of support in a parent application is whether the disclosure of the application relied upon 'reasonably conveys to the artisan that the inventor had possession at the time of the later claimed subject matter.'" **It should be noted then that adequate description under the first paragraph of 35 U.S.C. §112 does not require literal support for the claimed invention.** The general rule is that an applicant may be allowed claims that cover more than the specific embodiments shown if the prior art permits. The written description requirement may still be satisfied even if the claims cover more than what is described in the specification.

In this case, the Office Action faults the Applicant for disclosing thirty-six (36) distinct combinations of zones (in Fig. 7) while not limiting the broadest claim to 36 combinations. This rejection is untenable, because by definition the claim term "a plurality" means two or more. There is no requirement that an applicant limit such a claim term to a range, as appears to be required by the Office Action. Accordingly, the rejection of claim 1 as failing to comply with the written description requirement is improper.

As to claim 8, the Office Action complains that the claim language *a combination, of one or more of said plurality of selection zones, that represent the user's desired alphanumeric character* is so broad that its scope cannot be ascertained. This is once again an improper rejection, because the claim clearly requires that the user be instructed to select a combination that represents her desired character. While the combination **represents** the desired character, it is the remainder that **resembles** the desired character. There is nothing inconsistent or overbroad about the claim language relative to the written description of Applicant's Specification.

The Office Action at page 7 further states that although claim 8 recites *the plurality of selection zones being fewer than the plurality of open and closed curves*, this is not the case, for example, with respect to the letter "a" as described in the Specification. To clarify, Applicant notes that the claim does not require that the plurality of open and closed curves be associated with the letter "a". Rather, *the plurality of open and closed curves is associated with all possible characters that can be represented in the claimed method*. As an example, in the preferred embodiment depicted in Applicant's Fig. 1, there are nineteen (19) features (open and closed curves). Each character can be represented as a juxtaposition of some of these features. Each character is represented by a selected combination of one or more of the selection zones. Again, in the preferred example, there are twelve (12) selection zones. There is nothing inconsistent or overbroad about the claim language that covers such an embodiment. Accordingly, once again the rejection of claim 8 is improper.

As to claim 10, this claim is also rejected as being inconsistent, because it recites "none of which form a closed shape" whereas the graphic symbols in Fig. 7 form at least one closed curve. Once again, we direct the Examiner's attention to another embodiment of the invention, namely, Fig. 13a and Fig. 13b, where each graphic symbol is made of one or more marks in a receiving area, where none of the marks forms a closed shape. Accordingly, the rejection of claim 10 is also improper. However, this point is now moot as claims 10-12 are canceled in this amendment.

Independent claim 13 also stands rejected as being overly broad, however, this point is also moot as claims 13-20, including all claims that depend from claim 13 have been canceled, in an effort to move prosecution forward in this case.

As to claim 21, this claim has been amended to better distinguish the claimed invention in view of the relied upon art of Curtin. Regarding the rejection of claim 21 as being overly broad, Applicant respectfully disagrees because the Specification clearly shows the preferred embodiment covered by such a claim, for instance in Fig. 9, where each character of the English alphabet is mapped to a respective selection of one or more regions (in this case, each character is mapped to a selection of no more than two regions), where the selected regions are from a solid block having 12 regions.

As to the rejection of claim 29, once again Applicant respectfully disagrees with the suggestion in the Office Action that the claim has to be limited to a certain number of combinations of regions selected from the matrix of regions. The claim clearly defines the metes and bounds of the invention, and, especially following entry of the amendment here, is designed to distinguish the relied upon art reference of Curtin.

As to claim 41, this claim also stands rejected as being overly broad for reasons similar to those given in support of the rejection of claim 1. Once again, Applicant respectfully disagrees that the claim must be limited to a certain number of combinations of zones. The invention is adequately described as requiring a number of zones that abut one another thereby eliminating intervening spaces to form a solid block. A combination of one or more of these zones is contrasted with the remainder. This combination has been selected by a user to represent a desired alphanumeric character. The zones and the combination are such that when contrasted, the remainder and not the selected combination, resembles the desired character. This claim need not specify how many characters the claimed zones and combination selections are capable of supporting. Accordingly, reconsideration and withdrawal of the rejection of claim 41 is requested.

The rejection of claim 42 should also be reconsidered for the same reasons.

#### **Claims Rejected Under 35 U.S.C. §112**

The Office Action also rejects claims 1-33 and 41-42 as being indefinite for failing to point out and distinctly claim the subject matter regarded as the invention. The rejection appears to be identical to the ones addressed above under 35 U.S.C. §112, first paragraph. The chief complaint by the Examiner is once again that the claim appears to

be overly broad as Applicant's, for instance, Fig. 7 presents a limited number of combinations, that is a total of 36 combinations, whereas the claim does not appear to be limited to such number. As stated above, however, Applicant is entitled to claim as broadly and as reasonably as possible, without having to recited every single combination that is disclosed in a preferred embodiment, so long as the correct claim language of the proper breadth has been found. That is the case here, where an adequate amount of structure has been recited in each of Applicant's claims and in particular, the recitation of the zones and the way in which they are shaped and positioned relative to each other to form a solid block. There is no need for further limiting the claims as their subject matter is clearly supported by the Specification as filed.

#### **Claims Rejected Under 35 U.S.C. §103**

All claims, namely claims 1-42, stand rejected as being obvious in view of Ramian and Curtin. With respect to independent claims 1, 21, 29, 41, and 42, these claims have been amended to overcome the rejection. A method or apparatus for generating alphanumeric characters is recited in which a number of zones abut one another thereby eliminating intervening spaces to form a solid block. The user makes a selection of a combination of one or more zones, and these are contrasted with the remainder. For instance, in claim 1, the selected combination is essentially removed leaving behind a graphic symbol in the solid block that resembles the desired character.

In Curtin, however, the character formation key 4 is made up of sixteen (16) bars (bars 6-36) where the bars form an outer box pattern (bars 6, 8, 10, 12, 14, 16, 18, and 20) while inner horizontal bars 22 and 24 appear to bisect the key area. Similarly, vertical bars 26-36 also bisect the key area. Finally, there are four (4) diagonal bars 30, 32, 34, and 36 which are distributed evenly in the upper and lower halves of the key area. **As seen in Fig. 1 and Fig. 6, the character key of Curtin has significant intervening spaces between the bars.** There is no suggestion to modify such a character key into one whose zones abut one another thereby eliminating intervening spaces to form a solid block. See, for example, Applicant's Fig. 2 where the preferred embodiment is shown. Applicant has discovered that all of the characters can be decomposed into constituent features and, in particular, nineteen (19) features that are arranged in the template 204

as shown. The features are then brought close together based on their relative positions and their orientation, and are then stretched so that they abut one another to result in a stretched matrix 208 of zones or regions, which is a solid block. There is no teaching or suggestion to modify the character key of Curtin into Applicant's claimed plurality of zones.

As to claim 8, this claim has been rejected as explained on page 23 of the Office Action. However, the rejection cannot be understood. For instance, although both Ramian and Curtin disclose a method for generating alphanumeric characters, Ramian is cited as *providing a mapping between a selected combination of zones and desired alphanumeric character, where the mapping is based on representing each character as a juxtaposition of some of a plurality of open and closed curves, where the selection of zones is fewer than the number of curves*. Both Ramian and Curtin draw straight line segments, none of which teach or suggest using a set of open and closed **curves** to represent each character.

Any dependent claims not mentioned above are submitted as not being anticipated or obvious, for at least the same reasons given above in support of their base claims.

It should be noted that not all of the assertions made in the Office Action, particularly those with respect to the dependent claims, have been addressed here, in the interest of conciseness. Applicants reserve the right to challenge any of the assertions made in the Office Action by the Examiner, with respect to the relied upon art references and how they would relate to Applicants' claim language.

### CONCLUSION


In sum, a good faith attempt has been made to explain why the rejection in view of Ramian and Curtin is improper, and to present claims that distinguish them. Reconsideration and withdrawal of the art rejection in view of Ramian is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-

2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,  
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Dated: July 24, 2006

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, Post Office Box 1450, Alexandria, Virginia 22313-1450 on July 24, 2006.

  
Margaux Rodriguez July 24, 2006